

FILED

JUN 09 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

BERTHA ALICIA GARCIA DE
CARDENAS; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 06-70278

Agency Nos. A75-510-623
A96-344-357
A96-344-358

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 5, 2006**

Before: CANBY, T.G. NELSON and KLEINFELD, Circuit Judges.

This is a petition for review of the denial of petitioners' applications for
cancellation of removal.

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

Respondent's unopposed motion for summary disposition is granted because the questions raised in the petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Petitioners do not dispute that they failed to meet the ten years continuous physical presence requirement to establish eligibility for cancellation of removal. *See* 8 U.S.C. § 1229b(b)(1)(A). Further, petitioners' challenge to being placed in removal rather than deportation proceedings is foreclosed by *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 598-99 (9th Cir. 2002).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.